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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

DENISE DEANGELIS, derivatively on behalf of
ANAVEX LIFE SCIENCES CORP.,

Plaintiff,

vs.

CHRISTOPHER MISSLING, PETER
DONHAUSER, JIONG MA, ATHANASIOS
SKARPELOS, STEFFEN THOMAS, and
CLAUS VAN DER VELDEN,

Defendants,

and

ANAVEX LIFE SCIENCES CORP.,

Nominal Defendant.

Case No.: 2:24-cv-00891-JCM-MDC

**JOINT STIPULATION AND [PROPOSED]
ORDER TO WITHDRAW
COUNTERMOTION (ECF No. 11),
ACCEPT SERVICE FOR DEFENDANT
MISSLING, AND SUBMIT PROPOSED
BRIEFING SCHEDULE**

Plaintiff Denise Deangelis (“Plaintiff”), Defendant Christopher Missling (“Missling”), and Nominal Defendant Anavex Life Sciences Corp. (“Anavex” or the “Company” and together with Missling, “Defendants”) (Plaintiff and Defendants, taken together, the “Parties”) hereby stipulate as follows:

WHEREAS, on May 13, 2024, Plaintiff filed a Verified Shareholder Derivative Complaint (the

JOINT STIPULATION AND [PROPOSED] ORDER TO WITHDRAW COUNTER MOTION (ECF No. 11), ACCEPT SERVICE FOR DEFENDANT MISSING, AND SUBMIT PROPOSED BRIEFING SCHEDULE

1 “Complaint”) on behalf of Nominal Defendant Anavex in this Court alleging causes of action for breach
2 of fiduciary duties, unjust enrichment, waste of corporate assets, gross mismanagement, abuse of control,
3 and violations of Section 14(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) against
4 Defendant Missling and Peter Donhauser, Jiong Ma, Athanasios Skarpelos, Steffen Thomas, and Claus
5 van der Velden, and for contribution under Sections 10(b) and 21D of the Exchange Act against Defendant
6 Missling (ECF No. 1);
7

8 WHEREAS, on July 1, 2024, Plaintiff personally served the registered agent of Nominal
9 Defendant Anavex (ECF No. 5);
10

11 WHEREAS, on September 26, 2024, Plaintiff filed a Request to the Clerk of the Court to Enter
12 Default as to Anavex (the “Default Request”) (ECF No. 7);
13

14 WHEREAS, on October 8, 2024, Anavex filed a Response to Motion for Entry of Clerk’s Default
15 (the “Opposition”) (ECF No. 8);
16

17 WHEREAS, on October 9, 2024, Anavex separately filed a Counter Motion for Scheduling Order
18 (the “Countermotion”) (ECF No. 11);
19

20 WHEREAS, on October 15, 2024, October 22, 2024, and November 5, 2024, the Parties stipulated
21 to extend the amount of time for Plaintiff to respond to the Opposition and Countermotion, which
22 stipulations the Court so ordered on October 16, 2024, October 28, 2024, and November 8, 2024,
23 respectively (ECF Nos. 12, 13, 14, 15, 16, and 17);
24

25 WHEREAS, on November 19, 2024, Plaintiff filed a Notice of Consent to Nominal Defendant
26 Anavex Life Sciences Corp.’s Request for No Default, withdrawing the Default Request and “consent[ing]
27 for the Court to set aside such request and issue no entry of default against Anavex” (ECF No. 19);
28

25 WHEREAS, on November 25, 2024, the Court entered a Minute Order: (1) finding good cause to
26 grant Plaintiff’s request for withdrawal of the Default Request; and (2) ordering that Plaintiff’s Default
27 Request was denied without prejudice (ECF No. 20);
28

1 WHEREAS, Plaintiff's current deadline to respond to the Countermotion is November 27, 2024;

2 WHEREAS, the Parties have met and conferred regarding the Countermotion and the most
 3 efficient way to proceed and agree that: (1) Anavex will withdraw the Countermotion; (2) Holland & Hart
 4 LLP ("H&H") and K&L Gates LLP ("K&L") will accept service of process for Defendant Missling; (3)
 5 the Parties will submit to the Court a proposed briefing schedule ("Proposed Stipulation") regarding a
 6 motion to dismiss by January 15, 2025; (4) Defendants shall not be required to respond to the Complaint
 7 until the date set in the Court's ruling on the Proposed Stipulation; and (5) the Parties reserve all rights
 8 and defenses.

9
 10 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the respective
 11 parties hereto, that:

12
 13 1. Anavex hereby withdraws the Countermotion;

14 2. H&H and K&L hereby accept service of process for Defendant Missling;

15 3. The Parties agree to submit to the Court the Proposed Stipulation regarding a motion to
 16 dismiss by January 15, 2025;

17 4. Defendants shall not be required to respond to the Complaint until the date set in the Court's
 18 ruling on the Proposed Stipulation; and

19 5. The Parties reserve all rights and defenses.

20
 21 Respectfully submitted,

22 Dated: November 27, 2024

23 **LEVERTY & ASSOCIATES LAW CHTD.**

24
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Dated: November 27, 2024

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

CREATED: 11-27-24